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In the United States District Court
For the Middle District of Alabama
Northern Division

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William David Cornwell

Plaintiff,

V.

Anthony Clark, et al.

Defendants.

CLARA J. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Civil Action No. 2:06-CV-549-MEF

Motion In Response To Defendants
Special Reports

Comes now the plaintiff in this honorable above styled Court and prays it "grants" this motion in response to defendants Special Report and states as follows:

1. Plaintiff has right to be free from cruel and unusual punishment 8th Amendment U.S. Constitution and is entitled relief as claimed under 42 U.S.C. 1983.
2. Arbitrary and capricious actions of payment failure constitutes negligence and due relief for plaintiffs entitlement.
3. Plaintiff was denied medical treatment for a total of 45 days due to unpaid dental bill which is an obligation the sheriff's department failed to meet.

4. Plaintiff did follow the only grievance procedure available at the Covington County jail.
5. Plaintiff did on many occasions make orally request to see a dentist.
6. Plaintiff did on (6) different occasions sign up for sick call by way of "inmate sick call slip - Medical Request." (Exhibit G) shows (5) of them. (Exhibit A) will show number 2 which was not made available to this honorable court by neither of the defendants.
7. The 6 "inmate sick call slip - medical request will plainly show abscess to a 'back upper tooth'."
8. In the special reports everyone is focused on molar # 18 which has no bearing on this complaint.
9. The defendants claim I refused dental treatment on February 1, 2006, but there are no documents to back that up because I was never scheduled for that appointment. I would have to request it in order to deny it.
10. The February 1, 2006 appointment was for

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inmate William Mack Carroll. In (Exhibits B) and (C) and (H) you will find documents from William Mack Carroll's file.

Facts

Defendant Anthony Clark states that he is not a trained medical professional. Even if he isn't that does not release him from his obligations to make sure the Covington County Jail is ran properly. The sheriff clearly knew that if the dentist was not paid he would not see or treat any inmates and therefore any inmate with a tooth-ache would suffer. That clearly violates a constitutional right.

The plaintiff was treated indifferent by the fact that he signed up for sick call on June 12, 2006 and was not seen until June 15, 2006 for the first time and then was made to suffer for a total of 45 days with a reoccurring infection that could and should have been treated after 7 days of antibiotics. (Exhibit B) number 1.

1. Plaintiff "objectively" serious medical need after suffering for and extended period with an infection that can lead to death.

(4)

2. Plaintiff was subjected to "deliberate indifference" when sheriff Anthony Clark did not pay dental bill.
3. Again deliberate indifference was shown if the nurses and jailers have a right to transport inmates to the hospital and did not do so knowing that that would be the only other way to have the tooth pulled knowing the dental bill was not paid.

And I quote from page 9 of Anthony Clark's special report:

It is difficult, at best, to understand how the Defendants would let a serious medical condition linger for 45 days without getting me the treatment I needed. I guess the question here is? Why did it take so long for William David Carroll to see a dentist?

The plaintiff prays that this honorable court will grant him a hearing before making a final decision.

Respectfully submitted this the 30th day of October, 2006.

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Certificate of Service

I certify that a true copy of the foregoing has been served upon the defendants by mailing the same United States mail first class personal service on the 30th day of October, 2006.

Copies served upon all
defendants:
Anthony Clark et al.

William David Carroll
Signature of Plaintiff